

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NEW YORK

PHHHOTO Inc.

*Plaintiff,*

v.

Meta Platforms, Inc. f/k/a Facebook, Inc.  
and DOES Nos. 1-7,

*Defendants.*

Case No. 1:21-cv-06159-KAM-LB

**STIPULATED ORDER OF  
DISMISSAL OF COUNTS TWO  
AND THREE OF THE  
AMENDED COMPLAINT  
WITH PREJUDICE**

WHEREAS, the parties appeared for a pre-motion and status conference with the Court on February 27, 2025;

WHEREAS, Plaintiff PHHHOTO Inc. (“Phhhoto”) offered at the February 27, 2025 conference to dismiss its state law claims set forth in Count Two (Fraud) and Count Three (Unfair Competition) of the Amended Complaint (ECF No. 22) in the interest of expediting the progress of this litigation, including discovery herein; and

WHEREAS, the Court has directed that Phhhoto and Defendant Meta Platforms, Inc. (“Meta”) prepare a stipulation concerning dismissal of Phhhoto’s state law claims with prejudice.

IT IS HEREBY STIPULATED AND AGREED by Phhhoto and Meta, pursuant to Rule 41(a)(2) of the Federal Rules of Civil Procedure, that Counts Two and Three of the Amended Complaint shall be dismissed with prejudice.

DATED: March 6, 2025

HAUSFELD LLP  
*Attorneys for Plaintiff*

/s/ Scott Martin

Scott Martin  
33 Whitehall Street, 14th Floor  
New York, NY 10004  
Phone: (646) 357-1195  
Fax: (212) 202-4322  
smartin@hausfeld.com

KELLOGG, HANSEN, TODD,  
FIGEL & FREDERICK, P.L.L.C.  
*Attorneys for Defendant*

/s/ Aaron M. Panner

Aaron M. Panner  
1615 M Street, N.W., Suite 400  
Washington, DC 20036  
Phone: (202) 326-7900  
Fax: (202) 326-7999  
apanner@kellogghansen.com

**IT IS SO ORDERED.**

  
s/KAM

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KIYO A. MATSUMOTO  
United States District Judge  
Eastern District of New York

**Dated:** March 7, 2025